
HOUSE BILL 3336

State of Washington

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By Representatives Schual-Berke, Hunt, Cody, Chase, Roberts, Green, Appleton, Sommers, Dunshee, Williams, Moeller, Pedersen, Lantz, Pettigrew, Kenney, Darneille, Kagi, Loomis, Hasegawa, Sells, Dickerson, Wood, and Ormsby

Read first time 02/04/08. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to public funding for supreme court campaigns;
2 amending RCW 42.17.390, 42.52.180, 42.17.128, 42.17.130, 42.36.040, and
3 63.29.230; reenacting and amending RCW 42.17.020; adding new sections
4 to chapter 42.17 RCW; creating new sections; prescribing penalties; and
5 providing an expiration date.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** INTENT. The intent of this act is to
8 protect the fairness of elections for the highest court in Washington
9 state - the supreme court. Doing so will foster the public's trust in
10 the integrity and independence of the court in the face of increasingly
11 large sums of money raised and spent by special interest groups. That
12 flood of money threatens the impartiality, independence, and
13 credibility of our judiciary. To maintain public confidence in the
14 judiciary, we must prevent not only corruption, but the appearance of
15 corruption, for the judiciary is the one branch of government that must
16 be uniquely impartial, independent, and unbiased in order to best serve
17 the residents of Washington. It would be destructive for our democracy
18 to allow the court to become influenced by large amounts of money, and
19 for our citizens to think that judicial decisions are influenced by

1 those large amounts of money. This act is necessary to ensure that our
2 highest courts continue to be unbiased and insulated from special
3 interests.

4 Therefore, this act, the judicial election reform act, introduces
5 a voluntary pilot project to provide an alternative source of financing
6 candidates for the Washington supreme court who demonstrate public
7 support and voluntarily accept strict fundraising and spending limits.

8 NEW SECTION. **Sec. 2.** JUDICIAL ELECTION REFORM ACT FUND. (1) The
9 judicial election reform act fund is created in the custody of the
10 state treasurer. All receipts required to be deposited into the fund
11 under sections 3 through 19 of this act must be deposited into the
12 fund. Expenditures from the fund may be used only for the purposes of
13 the judicial election reform act, sections 1 through 19 of this act.
14 Only the commission may authorize expenditures from the fund. The fund
15 is subject to allotment procedures under chapter 43.88 RCW, but an
16 appropriation is not required for expenditures.

17 (2) When the funds in the account have been fully distributed, the
18 commission and treasurer shall cease making any public funds
19 disbursements under sections 1 through 19 of this act. No candidates
20 are authorized to receive any disbursements of funds beyond those they
21 are qualified for pursuant to sections 1 through 19 of this act, nor
22 are any candidates authorized to receive any further disbursements of
23 funds under sections 1 through 19 of this act when the appropriation
24 has been exhausted. Qualifying pending requests for funds in the
25 account at the time the account is nearing a zero balance will be
26 addressed in the order received, to the extent any funds are available.
27 The commission may adopt rules to address distribution of remaining
28 funds in the account for pending requests.

29 NEW SECTION. **Sec. 3.** VOLUNTARY LIMITATIONS ON CONTRIBUTIONS FOR
30 JUDICIAL CAMPAIGNS. A publicly financed candidate and a publicly
31 financed candidate's authorized committee shall:

32 (1) Only accept contributions from individuals, and only as
33 qualifying contributions under section 4 of this act or as seed money
34 under section 6 of this act;

35 (2) Not expend more than a total of one thousand dollars of the
36 candidate's personal funds and only during the qualifying period;

1 (3) Receive and expend seed money according to the provisions of
2 section 6 of this act;

3 (4) Collect at least the minimum number of qualifying contributions
4 under section 4 of this act;

5 (5) Expend only funds received from the judicial election reform
6 act fund after being certified as a publicly funded candidate;

7 (6) Sign a joint statement with the treasurer of the publicly
8 financed candidate's authorized committee, under oath, promising to
9 comply with the provisions of this chapter; and

10 (7) Comply with the provisions of this chapter to the extent
11 required for publicly funded candidates as prescribed by the
12 commission.

13 NEW SECTION. **Sec. 4.** APPLICATION FOR CERTIFICATION. A candidate
14 who wishes to receive public campaign funds must:

15 (1) File an application with the commission declaring his or her
16 intent to participate in the program as a candidate for the supreme
17 court. The application must be filed before or during the qualifying
18 period. In the application, the candidate shall affirm that only one
19 political committee, identified with its treasurer, shall handle all
20 contributions, expenditures, and obligations for the publicly financed
21 candidate and that the candidate will comply with the provisions set
22 forth in sections 1 through 19 of this act and rules adopted by the
23 commission; and

24 (2) Obtain at least the minimum number of qualifying contributions
25 by the end of the qualifying period. Candidates must obtain at least
26 five hundred qualifying contributions. No payment, gift, or anything
27 of value may be given in exchange for a qualifying contribution. A
28 qualifying contribution must be:

29 (a) Made by a registered voter of the state;

30 (b) Made by a person who is not given anything of value in exchange
31 for the qualifying contribution;

32 (c) In the sum of ten dollars, exactly;

33 (d) Received during the qualifying period by the candidate or on
34 behalf of the candidate; and

35 (e) Made by check, money order, or credit card.

1 NEW SECTION. **Sec. 5.** CERTIFICATION AS A PUBLICLY FINANCED

2 CANDIDATE. (1) Upon receipt of an application, the commission shall
3 determine whether or not the candidate has complied with the following
4 requirements:

5 (a) Signed and filed an application to participate;

6 (b) Submitted a report itemizing the qualifying contributions
7 received. The report must include the name, home address, telephone
8 number, and county of residence for each person who made a contribution
9 and the date the contribution was received, and any other information
10 required by the commission;

11 (c) Submitted a check or money order equal to the total qualifying
12 contributions received by the candidate made out to the judicial
13 election reform act fund; and

14 (d) Submitted affidavits signed by persons collecting qualifying
15 contributions stating that, to the best of his or her knowledge, the
16 contribution was made by a registered voter in the electoral district
17 of the office the candidate is seeking.

18 (2) Once the requirements in subsection (1) of this section are
19 met, the commission must verify that:

20 (a) Pursuant to section 4 of this act, a sufficient number of
21 qualifying contributions were made by registered voters of the state at
22 the time the contribution was made; and

23 (b) All seed money contributions meet, as reported, the
24 requirements of section 6 of this act.

25 (3) The commission must determine if a candidate meets the
26 requirements for public financing within seven calendar days of the
27 filing of an application. If the requirements of subsection (2) of
28 this section are met, the commission must certify the candidate for
29 public financing. If the commission denies certification, it must
30 provide written reasons why certification is denied. Any candidate who
31 is denied certification may reapply one time by submitting the required
32 information or the number of qualifying contributions needed to
33 complete the certification within fourteen calendar days of the date of
34 the commission's decision.

35 (4) A candidate who is certified as a publicly financed candidate
36 may use that designation in campaign materials and will be so
37 designated in the state voters' pamphlet.

1 NEW SECTION. **Sec. 6.** SEED MONEY CONTRIBUTIONS. A publicly
2 financed candidate may accept contributions of no more than one hundred
3 dollars and only from individuals for seed money. Seed money is
4 limited to twenty-five thousand dollars. Seed money may be raised and
5 spent only during the qualifying period and may only be used for the
6 purpose of raising qualifying contributions. The candidate's personal
7 funds are considered seed money and must be spent during the qualifying
8 period. Any seed money not spent by the end of the qualifying period
9 must be paid to the judicial election reform act fund. Seed money
10 contributions and expenditures must be reported as required under RCW
11 42.17.080 and 42.17.090 or as determined by the commission by rule.

12 NEW SECTION. **Sec. 7.** CONTROLS ON A PUBLICLY FINANCED CANDIDATE'S
13 AUTHORIZED COMMITTEE. A publicly financed candidate and the publicly
14 financed candidate's authorized committee shall file the reports
15 required pursuant to this chapter as determined by the commission.

16 NEW SECTION. **Sec. 8.** USES OF PUBLIC FUNDS. (1) Money in the
17 account of a publicly financed candidate's authorized committee may
18 only be used for purposes directly related to the candidate's campaign.
19 (2) Money in the account of a publicly financed candidate's
20 authorized committee may not be used to pay fines or civil penalties,
21 for costs or legal fees related to representation before the
22 commission, or for defense of an enforcement action under this chapter.
23 Nothing in this chapter prevents a publicly financed candidate from
24 having a legal defense fund.

25 NEW SECTION. **Sec. 9.** RETURN OF FUNDS. (1) If a candidate
26 attempts to qualify for public funding but does not meet the threshold
27 for qualification, withdraws from the program before application, is
28 denied certification under section 5 of this act, or revokes
29 participation under section 10 of this act, the candidate must make an
30 effort to return all qualifying contributions to the individual donors
31 within thirty calendar days of receiving notice of nonqualification or
32 making or revoking a decision not to participate. With a donor's
33 permission, or if a donor cannot be located, the qualifying
34 contribution shall remain in, or be paid to, the judicial election
35 reform act fund.

1 (2) Publicly financed candidates must return all unused funds to
2 the judicial election reform act fund within thirty calendar days after
3 the general election.

4 NEW SECTION. **Sec. 10.** REVOCATION. (1) A publicly financed
5 candidate may revoke in writing to the commission a decision to
6 participate in the public financing program by June 15th in the year of
7 the election. After a timely revocation, that candidate may accept and
8 expend money outside the provisions of this act. Within thirty days
9 after revocation, a candidate must return to the commission all money
10 received from the judicial election reform act fund.

11 (2) A publicly financed candidate who revokes a decision to
12 participate in the public financing program after the time period
13 established in subsection (1) of this section must return all money
14 received from the judicial election reform act fund and pay a fine of
15 one thousand dollars per day for each day beyond the allowed revocation
16 period and the day the candidate revokes.

17 NEW SECTION. **Sec. 11.** CAMPAIGN FUNDING. (1) Within five business
18 days after a publicly financed candidate's name is approved to appear
19 on the primary ballot by the appropriate elections officer in a
20 contested election, and within five business days after a publicly
21 financed candidate's name is approved to appear on the general election
22 ballot in a contested election, the commission shall authorize the
23 state treasurer to distribute to the account of the authorized
24 committee of each certified publicly financed candidate an amount equal
25 to fifty times the filing fee as established in RCW 29A.24.091 for the
26 primary and an amount equal to one hundred times that filing fee for
27 the general election.

28 (2) Publicly financed candidates who are uncontested shall receive
29 an amount equal to four times the filing fee.

30 (3) A publicly financed candidate shall return within ten calendar
31 days to the judicial election reform act fund any amount distributed
32 for an election that is unspent and uncommitted as of the date the
33 candidate ceases to be a candidate or as of the date of the election,
34 whichever occurs first.

35 (4) The commission shall authorize and the state treasurer shall

1 distribute funds to publicly financed candidates in a manner that
2 ensures accountability and safeguards the integrity of the fund.

3 NEW SECTION. **Sec. 12.** FAIR FIGHT FUNDS. (1) When a report is
4 filed under this chapter or other evidence comes to the attention of
5 the commission indicating that a nonparticipating candidate has
6 received more money than his or her publicly financed opponent has
7 received in public funding, the commission shall notify the publicly
8 financed candidate of his or her eligibility for fair fight funds.

9 (a) A publicly financed candidate may receive fair fight funds
10 equal to the difference between the total amount received by the
11 nonparticipating candidate for each election and the amount received by
12 the publicly financed candidate for each election. If there are
13 multiple nonparticipating candidates who have received more money than
14 the publicly financed candidate has received, the publicly financed
15 candidate is eligible for fair fight funds based on the difference
16 between the total amount received by the nonparticipating candidate who
17 has received the most money and the amount received by the publicly
18 financed candidate.

19 (b) The total amount a publicly financed candidate may receive in
20 fair fight funds is five hundred times the filing fee for that office.
21 The amounts in this subsection are a total for both the primary and
22 general elections. A publicly financed candidate may determine when to
23 access available fair fight funds.

24 (2)(a) Independent expenditures and electioneering communications
25 opposing a publicly financed candidate shall be considered as
26 contributions to each opposing candidate and the commission shall
27 authorize fair fight funds pursuant to subsection (1) of this section
28 to the publicly financed candidate.

29 (b) Independent expenditures and electioneering communications
30 supporting one or more nonparticipating opponents of a publicly
31 financed candidate shall be treated as contributions to those
32 nonparticipating candidates and the commission shall authorize fair
33 fight funds pursuant to subsection (1) of this section to the publicly
34 financed candidate.

35 (c) Independent expenditures and electioneering communications
36 supporting a publicly financed candidate shall be considered, for every
37 opposing publicly financed candidate, as though the independent

1 expenditures or electioneering communications were a contribution to a
2 nonparticipating opponent and the commission shall authorize fair fight
3 funds pursuant to subsection (1) of this section to each opposing
4 publicly financed candidate.

5 (d) For purposes of this section, expenditures made by a
6 nonparticipating candidate and independent expenditures and
7 electioneering communications are deemed to have been made the day the
8 independent expenditure or electioneering communication is contracted
9 for, agreed to, or otherwise obligated.

10 (3) If adequate funding is not available to fully equalize funding
11 for publicly financed candidates under this section, the commission may
12 authorize a lesser amount.

13 NEW SECTION. **Sec. 13.** REPORTING PLANNED EXPENDITURES. Within
14 twenty-one days of an election, a nonparticipating candidate who has a
15 publicly financed opponent must provide to the commission a report
16 containing the expenditures planned by the nonparticipating candidate
17 for the twenty-one days before the election and the associated costs of
18 those expenditures. If the nonparticipating candidate does not report
19 planned expenditures, the commission shall authorize twice the amount
20 of an expenditure not reported in fair fight funds to the publicly
21 financed opponent.

22 NEW SECTION. **Sec. 14.** REPORTS. (1)(a) Any nonparticipating
23 candidate who has a publicly financed opponent shall report total
24 contributions received to the commission electronically within twenty-
25 four hours after the total amount of contributions received exceeds
26 eighty percent of the amount authorized for publicly financed
27 candidates under section 11 of this act.

28 (b) Any person making independent expenditures or electioneering
29 communications in excess of three thousand dollars in support of or
30 opposition to a publicly financed candidate, or in support of a
31 candidate opposing a publicly financed candidate, shall file with the
32 commission the report adopted by the commission by rule. The report
33 shall be filed within twenty-four hours of the date the independent
34 expenditure or electioneering communication is contracted for, agreed
35 to, or otherwise obligated.

1 (c) The commission may adopt rules implementing the provisions of
2 this section, including rules that determine (i) whether filing under
3 this section satisfies the filing requirements under other provisions
4 of this chapter, and (ii) when the reporting requirements of this
5 section are no longer warranted because a publicly financed candidate
6 has received the maximum amount of fair fight funds permitted by this
7 section.

8 (2) Publicly financed candidates shall report in accordance with
9 rules adopted by the commission. A publicly financed candidate who
10 revokes his or her participation in the program, who ceases to be a
11 candidate, or who loses an election shall file a final report with the
12 commission and return any unspent disbursements received from the
13 judicial election reform act fund. In developing reporting
14 requirements for publicly financed candidates, the commission shall use
15 existing campaign reporting procedures when determined practicable by
16 the commission.

17 (3) Any person who fails to report a contribution or expenditure as
18 required by this section is subject to a civil penalty equal to the
19 contribution or expenditure not reported.

20 (4) The commission shall ensure prompt public access to the reports
21 received under this section.

22 NEW SECTION. **Sec. 15.** CIVIL PROCEEDING TO ENJOIN VIOLATION. (1)
23 Whenever it appears that a nonparticipating candidate who has a
24 publicly financed opponent or any person is making an independent
25 expenditure or an electioneering communication in the form of a radio
26 or television presentation that constitutes a violation of the
27 reporting provisions of section 14 of this act, the commission shall
28 initiate a civil proceeding in superior court to enjoin such violation,
29 and may petition the court to issue an order to the broadcasting
30 station for the discontinuance of the radio or television presentation
31 that is in violation of section 14 of this act.

32 (2) An action under this section shall be brought in the county in
33 which the violation is alleged to have taken place, and shall be
34 commenced by the filing of a verified complaint, or shall be
35 accompanied by an affidavit.

36 (3) If it is shown to the satisfaction of the court, either by
37 verified complaint or affidavit, that the nonparticipating candidate or

1 other person is engaged in or about to engage in any act that
2 constitutes a violation of section 14 of this act, the court may issue
3 a temporary restraining order to abate and prevent the continuance or
4 recurrence of the act.

5 (4) The court may issue a permanent injunction to restrain, abate,
6 or prevent the continuance or recurrence of the violation of section 14
7 of this act. The court may grant declaratory relief, mandatory orders,
8 or any other relief deemed necessary to accomplish the purposes of the
9 injunction. The court may retain jurisdiction of the case for the
10 purpose of enforcing its orders.

11 NEW SECTION. **Sec. 16.** PUBLIC FORUMS. Publicly financed
12 candidates in contested races must participate in one public forum
13 during a primary election period and one public forum during a general
14 election period. The commission shall seek sponsorship of the forums
15 with a nonpartisan organization active in providing information to
16 voters on candidates or encouraging informed participation in voting.
17 The forums shall be conducted at times decided by the commission and in
18 accordance with rules prescribed by the commission. Nonparticipating
19 candidates may be invited to participate in the forums.

20 NEW SECTION. **Sec. 17.** DISQUALIFICATION FROM PROGRAM. If the
21 commission finds that a publicly financed candidate or the publicly
22 financed candidate's committee is accepting and expending money outside
23 the provisions of sections 1 through 19 of this act, the candidate
24 shall be disqualified from the program, shall be subject to a civil
25 penalty under RCW 42.17.390, and shall return all money received from
26 the judicial election reform act fund.

27 NEW SECTION. **Sec. 18.** IMPLEMENTATION AND ENFORCEMENT DUTIES. The
28 commission shall:

29 (1) Prescribe forms for reports, statements, notices, and other
30 documents as required by sections 1 through 19 of this act;

31 (2) Prepare and publish instructions to facilitate compliance with
32 sections 1 through 19 of this act and explaining the duties of persons
33 and committees under sections 1 through 19 of this act;

34 (3) Adopt rules to carry out the policies of sections 1 through 19

1 of this act. These rules are not subject to the time restrictions of
2 RCW 42.17.370(1); and

3 (4) Enforce the provisions of sections 1 through 19 of this act,
4 ensure that money transferred from the judicial election reform act
5 fund into the account of an authorized committee of a publicly financed
6 candidate is spent as specified, and monitor reports filed and
7 financial records of candidates as needed to ensure that fair fight
8 funds are promptly authorized to opposing qualified candidates under
9 section 12 of this act.

10 NEW SECTION. **Sec. 19.** EXPEDITED ADMINISTRATIVE REVIEW. (1) The
11 commission shall develop an expedited administrative review process
12 that is not subject to the adjudicative proceedings of chapter 34.05
13 RCW. However, commission findings are subject to judicial review under
14 RCW 34.05.570(4).

15 (2) The following individuals may seek expedited administrative
16 review of commission decisions:

17 (a) Candidates and potential candidates whom the commission finds
18 ineligible to participate in the program;

19 (b) Publicly financed candidates who are denied fair fight funds;
20 and

21 (c) Opponents of a publicly financed candidate who disagree with a
22 decision by the commission to grant fair fight funds to a publicly
23 financed candidate.

24 (3) In an expedited administrative review process, the commission
25 shall issue a final decision no more than five calendar days after
26 review is requested.

27 (4) The commission may adopt rules to implement this section.

28 (5) Any petition for judicial review of a final decision in an
29 expedited administrative review must be filed within five calendar days
30 of the final decision. In any judicial review, the court shall not
31 grant a stay or temporary relief unless it finds the conditions
32 specified in RCW 34.05.550(3) (a), (b), and (c).

33 **Sec. 20.** RCW 42.17.390 and 2006 c 315 s 2 are each amended to read
34 as follows:

35 One or more of the following civil remedies and sanctions may be

1 imposed by court order in addition to any other remedies provided by
2 law:

3 (1) If the court finds that the violation of any provision of this
4 chapter by any candidate or political committee probably affected the
5 outcome of any election, the result of said election may be held void
6 and a special election held within sixty days of such finding. Any
7 action to void an election shall be commenced within one year of the
8 date of the election in question. It is intended that this remedy be
9 imposed freely in all appropriate cases to protect the right of the
10 electorate to an informed and knowledgeable vote.

11 (2) If any lobbyist or sponsor of any grass roots lobbying campaign
12 violates any of the provisions of this chapter, his or her registration
13 may be revoked or suspended and he or she may be enjoined from
14 receiving compensation or making expenditures for lobbying: PROVIDED,
15 HOWEVER, That imposition of such sanction shall not excuse said
16 lobbyist from filing statements and reports required by this chapter.

17 (3) Any person who violates any of the provisions of this chapter
18 may be subject to a civil penalty of not more than ten thousand dollars
19 for each such violation. However, a person or entity who violates RCW
20 42.17.640 and 42.17.645 may be subject to a civil penalty of ten
21 thousand dollars or three times the amount of the contribution
22 illegally made or accepted, whichever is greater.

23 (4) Any person who fails to file a properly completed statement or
24 report within the time required by this chapter may be subject to a
25 civil penalty of ten dollars per day for each day each such delinquency
26 continues.

27 (5) Any person who fails to report a contribution or expenditure as
28 required by this chapter may be subject to a civil penalty equivalent
29 to the amount not reported as required.

30 (6) The court may enjoin any person to prevent the doing of any act
31 herein prohibited, or to compel the performance of any act required
32 herein.

33 (7)(a) The civil penalty for a violation of a contribution or
34 expenditure limit established under section 3 of this act by or on
35 behalf of a publicly financed candidate is ten times the amount by
36 which the expenditures or contributions exceed the applicable limit.
37 If the violation occurs within five days of an election, the civil
38 penalty is twenty times the amount by which the expenditures or

1 contributions exceed the applicable limit. A publicly financed
2 candidate found to have knowingly committed a violation of the
3 expenditure or contribution limits under section 3 of this act shall
4 pay the applicable fines, surrender all money in the candidate's
5 authorized committee account to the judicial election reform act fund,
6 and will cease to be a publicly financed candidate.

7 (b) In addition to any other penalties imposed by law, the civil
8 penalty for a violation by or on behalf of a publicly financed
9 candidate of a reporting requirement imposed by this chapter is one
10 hundred dollars per day. A civil penalty imposed under this subsection
11 (7)(b) may not exceed twice the amount of expenditures or contributions
12 not reported in a timely manner. The candidate and the candidate's
13 authorized committee are jointly and severally responsible for a civil
14 penalty imposed under this subsection.

15 (c) The civil penalty for a violation of the revocation requirement
16 imposed by sections 1 through 19 of this act is one thousand dollars
17 per day for each day past the period allowed for a timely revocation.

18 (d) The civil penalty for a violation of the reporting provisions
19 in section 14 of this act shall be equal to the amount not reported.

20 (e) All civil penalties collected under this subsection must be
21 deposited into the judicial election reform act fund.

22 **Sec. 21.** RCW 42.17.020 and 2007 c 358 s 1 and 2007 c 180 s 1 are
23 each reenacted and amended to read as follows:

24 The definitions in this section apply throughout this chapter
25 unless the context clearly requires otherwise.

26 (1) "Actual malice" means to act with knowledge of falsity or with
27 reckless disregard as to truth or falsity.

28 (2) "Agency" includes all state agencies and all local agencies.
29 "State agency" includes every state office, department, division,
30 bureau, board, commission, or other state agency. "Local agency"
31 includes every county, city, town, municipal corporation, quasi-
32 municipal corporation, or special purpose district, or any office,
33 department, division, bureau, board, commission, or agency thereof, or
34 other local public agency.

35 (3) "Authorized committee" means the political committee authorized
36 by a candidate, or by the public official against whom recall charges

1 have been filed, to accept contributions or make expenditures on behalf
2 of the candidate or public official.

3 (4) "Ballot proposition" means any "measure" as defined by RCW
4 29A.04.091, or any initiative, recall, or referendum proposition
5 proposed to be submitted to the voters of the state or any municipal
6 corporation, political subdivision, or other voting constituency from
7 and after the time when the proposition has been initially filed with
8 the appropriate election officer of that constituency prior to its
9 circulation for signatures.

10 (5) "Benefit" means a commercial, proprietary, financial, economic,
11 or monetary advantage, or the avoidance of a commercial, proprietary,
12 financial, economic, or monetary disadvantage.

13 (6) "Bona fide political party" means:

14 (a) An organization that has filed a valid certificate of
15 nomination with the secretary of state under chapter 29A.20 RCW;

16 (b) The governing body of the state organization of a major
17 political party, as defined in RCW 29A.04.086, that is the body
18 authorized by the charter or bylaws of the party to exercise authority
19 on behalf of the state party; or

20 (c) The county central committee or legislative district committee
21 of a major political party. There may be only one legislative district
22 committee for each party in each legislative district.

23 (7) "Depository" means a bank designated by a candidate or
24 political committee pursuant to RCW 42.17.050.

25 (8) "Treasurer" and "deputy treasurer" mean the individuals
26 appointed by a candidate or political committee, pursuant to RCW
27 42.17.050, to perform the duties specified in that section.

28 (9) "Candidate" means any individual who seeks nomination for
29 election or election to public office. An individual seeks nomination
30 or election when he or she first:

31 (a) Receives contributions or makes expenditures or reserves space
32 or facilities with intent to promote his or her candidacy for office;

33 (b) Announces publicly or files for office;

34 (c) Purchases commercial advertising space or broadcast time to
35 promote his or her candidacy; or

36 (d) Gives his or her consent to another person to take on behalf of
37 the individual any of the actions in (a) or (c) of this subsection.

1 (10) "Caucus political committee" means a political committee
2 organized and maintained by the members of a major political party in
3 the state senate or state house of representatives.

4 (11) "Commercial advertiser" means any person who sells the service
5 of communicating messages or producing printed material for broadcast
6 or distribution to the general public or segments of the general public
7 whether through the use of newspapers, magazines, television and radio
8 stations, billboard companies, direct mail advertising companies,
9 printing companies, or otherwise.

10 (12) "Commission" means the agency established under RCW 42.17.350.

11 (13) "Compensation" unless the context requires a narrower meaning,
12 includes payment in any form for real or personal property or services
13 of any kind: PROVIDED, That for the purpose of compliance with RCW
14 42.17.241, the term "compensation" shall not include per diem
15 allowances or other payments made by a governmental entity to reimburse
16 a public official for expenses incurred while the official is engaged
17 in the official business of the governmental entity.

18 (14) "Contested election" means an election in which there are two
19 or more candidates running for the same office whose names will appear
20 on the ballot.

21 (15) "Continuing political committee" means a political committee
22 that is an organization of continuing existence not established in
23 anticipation of any particular election campaign.

24 ((+15+)) (16)(a) "Contribution" includes:

25 (i) A loan, gift, deposit, subscription, forgiveness of
26 indebtedness, donation, advance, pledge, payment, transfer of funds
27 between political committees, or anything of value, including personal
28 and professional services for less than full consideration;

29 (ii) An expenditure made by a person in cooperation, consultation,
30 or concert with, or at the request or suggestion of, a candidate, a
31 political committee, the person or persons named on the candidate's or
32 committee's registration form who direct expenditures on behalf of the
33 candidate or committee, or their agents;

34 (iii) The financing by a person of the dissemination, distribution,
35 or republication, in whole or in part, of broadcast, written, graphic,
36 or other form of political advertising or electioneering communication
37 prepared by a candidate, a political committee, or its authorized
38 agent;

1 (iv) Sums paid for tickets to fund-raising events such as dinners
2 and parties, except for the actual cost of the consumables furnished at
3 the event.

4 (b) "Contribution" does not include:

5 (i) Standard interest on money deposited in a political committee's
6 account;

7 (ii) Ordinary home hospitality;

8 (iii) A contribution received by a candidate or political committee
9 that is returned to the contributor within five business days of the
10 date on which it is received by the candidate or political committee;

11 (iv) A news item, feature, commentary, or editorial in a regularly
12 scheduled news medium that is of primary interest to the general
13 public, that is in a news medium controlled by a person whose business
14 is that news medium, and that is not controlled by a candidate or a
15 political committee;

16 (v) An internal political communication primarily limited to the
17 members of or contributors to a political party organization or
18 political committee, or to the officers, management staff, or
19 stockholders of a corporation or similar enterprise, or to the members
20 of a labor organization or other membership organization;

21 (vi) The rendering of personal services of the sort commonly
22 performed by volunteer campaign workers, or incidental expenses
23 personally incurred by volunteer campaign workers not in excess of
24 fifty dollars personally paid for by the worker. "Volunteer services,"
25 for the purposes of this section, means services or labor for which the
26 individual is not compensated by any person;

27 (vii) Messages in the form of reader boards, banners, or yard or
28 window signs displayed on a person's own property or property occupied
29 by a person. However, a facility used for such political advertising
30 for which a rental charge is normally made must be reported as an in-
31 kind contribution and counts towards any applicable contribution limit
32 of the person providing the facility;

33 (viii) Legal or accounting services rendered to or on behalf of:

34 (A) A political party or caucus political committee if the person
35 paying for the services is the regular employer of the person rendering
36 such services; or

37 (B) A candidate or an authorized committee if the person paying for

1 the services is the regular employer of the individual rendering the
2 services and if the services are solely for the purpose of ensuring
3 compliance with state election or public disclosure laws; or

4 (ix) The performance of ministerial functions by a person on behalf
5 of two or more candidates or political committees either as volunteer
6 services defined in (b)(vi) of this subsection or for payment by the
7 candidate or political committee for whom the services are performed as
8 long as:

9 (A) The person performs solely ministerial functions;

10 (B) A person who is paid by two or more candidates or political
11 committees is identified by the candidates and political committees on
12 whose behalf services are performed as part of their respective
13 statements of organization under RCW 42.17.040; and

14 (C) The person does not disclose, except as required by law, any
15 information regarding a candidate's or committee's plans, projects,
16 activities, or needs, or regarding a candidate's or committee's
17 contributions or expenditures that is not already publicly available
18 from campaign reports filed with the commission, or otherwise engage in
19 activity that constitutes a contribution under (a)(ii) of this
20 subsection.

21 A person who performs ministerial functions under this subsection
22 (~~((+15))~~) (16)(b)(ix) is not considered an agent of the candidate or
23 committee as long as he or she has no authority to authorize
24 expenditures or make decisions on behalf of the candidate or committee.

25 (c) Contributions other than money or its equivalent are deemed to
26 have a monetary value equivalent to the fair market value of the
27 contribution. Services or property or rights furnished at less than
28 their fair market value for the purpose of assisting any candidate or
29 political committee are deemed a contribution. Such a contribution
30 must be reported as an in-kind contribution at its fair market value
31 and counts towards any applicable contribution limit of the provider.

32 (~~((+16))~~) (17) "Elected official" means any person elected at a
33 general or special election to any public office, and any person
34 appointed to fill a vacancy in any such office.

35 (~~((+17))~~) (18) "Election" includes any primary, general, or special
36 election for public office and any election in which a ballot
37 proposition is submitted to the voters: PROVIDED, That an election in
38 which the qualifications for voting include other than those

1 requirements set forth in Article VI, section 1 (Amendment 63) of the
2 Constitution of the state of Washington shall not be considered an
3 election for purposes of this chapter.

4 ~~((18))~~ (19) "Election campaign" means any campaign in support of
5 or in opposition to a candidate for election to public office and any
6 campaign in support of, or in opposition to, a ballot proposition.

7 ~~((19))~~ (20) "Election cycle" means the period beginning on the
8 first day of January after the date of the last previous general
9 election for the office that the candidate seeks and ending on December
10 31st after the next election for the office. In the case of a special
11 election to fill a vacancy in an office, "election cycle" means the
12 period beginning on the day the vacancy occurs and ending on December
13 31st after the special election.

14 ~~((20))~~ (21) "Electioneering communication" means any broadcast,
15 cable, or satellite television or radio transmission, United States
16 postal service mailing, billboard, newspaper, or periodical that:

17 (a) Clearly identifies a candidate for a state, local, or judicial
18 office either by specifically naming the candidate, or identifying the
19 candidate without using the candidate's name;

20 (b) Is broadcast, transmitted, mailed, erected, distributed, or
21 otherwise published within sixty days before any election for that
22 office in the jurisdiction in which the candidate is seeking election;
23 and

24 (c) Either alone, or in combination with one or more communications
25 identifying the candidate by the same sponsor during the sixty days
26 before an election, has a fair market value of five thousand dollars or
27 more.

28 ~~((21))~~ (22) "Electioneering communication" does not include:

29 (a) Usual and customary advertising of a business owned by a
30 candidate, even if the candidate is mentioned in the advertising when
31 the candidate has been regularly mentioned in that advertising
32 appearing at least twelve months preceding his or her becoming a
33 candidate;

34 (b) Advertising for candidate debates or forums when the
35 advertising is paid for by or on behalf of the debate or forum sponsor,
36 so long as two or more candidates for the same position have been
37 invited to participate in the debate or forum;

1 (c) A news item, feature, commentary, or editorial in a regularly
2 scheduled news medium that is:

- 3 (i) Of primary interest to the general public;
- 4 (ii) In a news medium controlled by a person whose business is that
5 news medium; and
- 6 (iii) Not a medium controlled by a candidate or a political
7 committee;

8 (d) Slate cards and sample ballots;

9 (e) Advertising for books, films, dissertations, or similar works
10 (i) written by a candidate when the candidate entered into a contract
11 for such publications or media at least twelve months before becoming
12 a candidate, or (ii) written about a candidate;

13 (f) Public service announcements;

14 (g) A mailed internal political communication primarily limited to
15 the members of or contributors to a political party organization or
16 political committee, or to the officers, management staff, or
17 stockholders of a corporation or similar enterprise, or to the members
18 of a labor organization or other membership organization;

19 (h) An expenditure by or contribution to the authorized committee
20 of a candidate for state, local, or judicial office; or

21 (i) Any other communication exempted by the commission through rule
22 consistent with the intent of this chapter.

23 ~~((+22+))~~ (23) "Expenditure" includes a payment, contribution,
24 subscription, distribution, loan, advance, deposit, or gift of money or
25 anything of value, and includes a contract, promise, or agreement,
26 whether or not legally enforceable, to make an expenditure. The term
27 "expenditure" also includes a promise to pay, a payment, or a transfer
28 of anything of value in exchange for goods, services, property,
29 facilities, or anything of value for the purpose of assisting,
30 benefiting, or honoring any public official or candidate, or assisting
31 in furthering or opposing any election campaign. For the purposes of
32 this chapter, agreements to make expenditures, contracts, and promises
33 to pay may be reported as estimated obligations until actual payment is
34 made. The term "expenditure" shall not include the partial or complete
35 repayment by a candidate or political committee of the principal of a
36 loan, the receipt of which loan has been properly reported.

37 ~~((+23+))~~ (24) "Final report" means the report described as a final
38 report in RCW 42.17.080(2).

1 ~~((24))~~ (25) "General election" for the purposes of RCW 42.17.640
2 means the election that results in the election of a person to a state
3 office. It does not include a primary.

4 ~~((25))~~ (26) "Gift," is as defined in RCW 42.52.010.

5 ~~((26))~~ (27) "Immediate family" includes the spouse, dependent
6 children, and other dependent relatives, if living in the household.
7 For the purposes of RCW 42.17.640 through 42.17.790, "immediate family"
8 means an individual's spouse, and child, stepchild, grandchild, parent,
9 stepparent, grandparent, brother, half brother, sister, or half sister
10 of the individual and the spouse of any such person and a child,
11 stepchild, grandchild, parent, stepparent, grandparent, brother, half
12 brother, sister, or half sister of the individual's spouse and the
13 spouse of any such person.

14 ~~((27))~~ (28) "Incumbent" means a person who is in present
15 possession of an elected office.

16 ~~((28))~~ (29) "Independent expenditure" means an expenditure that
17 has each of the following elements:

18 (a) It is made in support of or in opposition to a candidate for
19 office by a person who is not (i) a candidate for that office, (ii) an
20 authorized committee of that candidate for that office, (iii) a person
21 who has received the candidate's encouragement or approval to make the
22 expenditure, if the expenditure pays in whole or in part for political
23 advertising supporting that candidate or promoting the defeat of any
24 other candidate or candidates for that office, or (iv) a person with
25 whom the candidate has collaborated for the purpose of making the
26 expenditure, if the expenditure pays in whole or in part for political
27 advertising supporting that candidate or promoting the defeat of any
28 other candidate or candidates for that office;

29 (b) The expenditure pays in whole or in part for political
30 advertising that either specifically names the candidate supported or
31 opposed, or clearly and beyond any doubt identifies the candidate
32 without using the candidate's name; and

33 (c) The expenditure, alone or in conjunction with another
34 expenditure or other expenditures of the same person in support of or
35 opposition to that candidate, has a value of five hundred dollars or
36 more. A series of expenditures, each of which is under five hundred
37 dollars, constitutes one independent expenditure if their cumulative
38 value is five hundred dollars or more.

1 (~~(+29+)~~) (30)(a) "Intermediary" means an individual who transmits
2 a contribution to a candidate or committee from another person unless
3 the contribution is from the individual's employer, immediate family as
4 defined for purposes of RCW 42.17.640 through 42.17.790, or an
5 association to which the individual belongs.

6 (b) A treasurer or a candidate is not an intermediary for purposes
7 of the committee that the treasurer or candidate serves.

8 (c) A professional fund-raiser is not an intermediary if the fund-
9 raiser is compensated for fund-raising services at the usual and
10 customary rate.

11 (d) A volunteer hosting a fund-raising event at the individual's
12 home is not an intermediary for purposes of that event.

13 (~~(+30+)~~) (31) "Legislation" means bills, resolutions, motions,
14 amendments, nominations, and other matters pending or proposed in
15 either house of the state legislature, and includes any other matter
16 that may be the subject of action by either house or any committee of
17 the legislature and all bills and resolutions that, having passed both
18 houses, are pending approval by the governor.

19 (~~(+31+)~~) (32) "Lobby" and "lobbying" each mean attempting to
20 influence the passage or defeat of any legislation by the legislature
21 of the state of Washington, or the adoption or rejection of any rule,
22 standard, rate, or other legislative enactment of any state agency
23 under the state Administrative Procedure Act, chapter 34.05 RCW.
24 Neither "lobby" nor "lobbying" includes an association's or other
25 organization's act of communicating with the members of that
26 association or organization.

27 (~~(+32+)~~) (33) "Lobbyist" includes any person who lobbies either in
28 his or her own or another's behalf.

29 (~~(+33+)~~) (34) "Lobbyist's employer" means the person or persons by
30 whom a lobbyist is employed and all persons by whom he or she is
31 compensated for acting as a lobbyist.

32 (~~(+34+)~~) (35) "Ministerial functions" means an act or duty carried
33 out as part of the duties of an administrative office without exercise
34 of personal judgment or discretion.

35 (~~(+35+)~~) (36) "Nonparticipating candidate" means a candidate for
36 supreme court justice who is on the ballot but has chosen not to apply
37 for public funds from the judicial election reform act fund or a

1 candidate who is on the ballot and has applied but has not been
2 certified to receive public funds from the judicial election reform act
3 fund.

4 (37) "Participate" means that, with respect to a particular
5 election, an entity:

6 (a) Makes either a monetary or in-kind contribution to a candidate;

7 (b) Makes an independent expenditure or electioneering
8 communication in support of or opposition to a candidate;

9 (c) Endorses a candidate prior to contributions being made by a
10 subsidiary corporation or local unit with respect to that candidate or
11 that candidate's opponent;

12 (d) Makes a recommendation regarding whether a candidate should be
13 supported or opposed prior to a contribution being made by a subsidiary
14 corporation or local unit with respect to that candidate or that
15 candidate's opponent; or

16 (e) Directly or indirectly collaborates or consults with a
17 subsidiary corporation or local unit on matters relating to the support
18 of or opposition to a candidate, including, but not limited to, the
19 amount of a contribution, when a contribution should be given, and what
20 assistance, services or independent expenditures, or electioneering
21 communications, if any, will be made or should be made in support of or
22 opposition to a candidate.

23 ~~((+36+))~~ (38) "Person" includes an individual, partnership, joint
24 venture, public or private corporation, association, federal, state, or
25 local governmental entity or agency however constituted, candidate,
26 committee, political committee, political party, executive committee
27 thereof, or any other organization or group of persons, however
28 organized.

29 ~~((+37+))~~ (39) "Person in interest" means the person who is the
30 subject of a record or any representative designated by that person,
31 except that if that person is under a legal disability, the term
32 "person in interest" means and includes the parent or duly appointed
33 legal representative.

34 ~~((+38+))~~ (40) "Political advertising" includes any advertising
35 displays, newspaper ads, billboards, signs, brochures, articles,
36 tabloids, flyers, letters, radio or television presentations, or other
37 means of mass communication, used for the purpose of appealing,

1 directly or indirectly, for votes or for financial or other support or
2 opposition in any election campaign.

3 ~~((+39+))~~ (41) "Political committee" means any person (except a
4 candidate or an individual dealing with his or her own funds or
5 property) having the expectation of receiving contributions or making
6 expenditures in support of, or opposition to, any candidate or any
7 ballot proposition.

8 ~~((+40+))~~ (42) "Primary" for the purposes of RCW 42.17.640 means the
9 procedure for nominating a candidate to state office under chapter
10 29A.52 RCW or any other primary for an election that uses, in large
11 measure, the procedures established in chapter 29A.52 RCW.

12 ~~((+41+))~~ (43) "Public office" means any federal, state, judicial,
13 county, city, town, school district, port district, special district,
14 or other state political subdivision elective office.

15 ~~((+42+))~~ (44) "Public record" includes any writing containing
16 information relating to the conduct of government or the performance of
17 any governmental or proprietary function prepared, owned, used, or
18 retained by any state or local agency regardless of physical form or
19 characteristics. For the office of the secretary of the senate and the
20 office of the chief clerk of the house of representatives, public
21 records means legislative records as defined in RCW 40.14.100 and also
22 means the following: All budget and financial records; personnel
23 leave, travel, and payroll records; records of legislative sessions;
24 reports submitted to the legislature; and any other record designated
25 a public record by any official action of the senate or the house of
26 representatives.

27 ~~((+43+))~~ (45) "Publicly financed candidate" means a candidate who
28 becomes certified to receive public campaign funds under section 5 of
29 this act.

30 (46) "Qualifying contribution" means a contribution of exactly ten
31 dollars, made by a registered voter of the electoral district of the
32 office the candidate is seeking, and is received during the qualifying
33 period.

34 (47) "Qualifying period" means the period beginning February 1st of
35 the election year and ending on the close of the regular filing period
36 for the office.

37 (48) "Recall campaign" means the period of time beginning on the

1 date of the filing of recall charges under RCW 29A.56.120 and ending
2 thirty days after the recall election.

3 ~~((44))~~ (49) "Seed money" means a contribution of no more than one
4 hundred dollars, made by an individual, and received during the
5 qualifying period.

6 (50) "Sponsor of an electioneering communications, independent
7 expenditures, or political advertising" means the person paying for the
8 electioneering communication, independent expenditure, or political
9 advertising. If a person acts as an agent for another or is reimbursed
10 by another for the payment, the original source of the payment is the
11 sponsor.

12 ~~((45))~~ (51) "State legislative office" means the office of a
13 member of the state house of representatives or the office of a member
14 of the state senate.

15 ~~((46))~~ (52) "State office" means state legislative office or the
16 office of governor, lieutenant governor, secretary of state, attorney
17 general, commissioner of public lands, insurance commissioner,
18 superintendent of public instruction, state auditor, or state
19 treasurer.

20 ~~((47))~~ (53) "State official" means a person who holds a state
21 office.

22 ~~((48))~~ (54) "Surplus funds" mean, in the case of a political
23 committee or candidate, the balance of contributions that remain in the
24 possession or control of that committee or candidate subsequent to the
25 election for which the contributions were received, and that are in
26 excess of the amount necessary to pay remaining debts incurred by the
27 committee or candidate prior to that election. In the case of a
28 continuing political committee, "surplus funds" mean those
29 contributions remaining in the possession or control of the committee
30 that are in excess of the amount necessary to pay all remaining debts
31 when it makes its final report under RCW 42.17.065.

32 ~~((49))~~ (55) "Uncontested election" means an election in which a
33 candidate running for a specified office has no opponent on the ballot.

34 (56) "Writing" means handwriting, typewriting, printing,
35 photostating, photographing, and every other means of recording any
36 form of communication or representation, including, but not limited to,
37 letters, words, pictures, sounds, or symbols, or combination thereof,
38 and all papers, maps, magnetic or paper tapes, photographic films and

1 prints, motion picture, film and video recordings, magnetic or punched
2 cards, discs, drums, diskettes, sound recordings, and other documents
3 including existing data compilations from which information may be
4 obtained or translated.

5 As used in this chapter, the singular shall take the plural and any
6 gender, the other, as the context requires.

7 **Sec. 22.** RCW 42.52.180 and 1995 c 397 s 30 are each amended to
8 read as follows:

9 (1) No state officer or state employee may use or authorize the use
10 of facilities of an agency, directly or indirectly, for the purpose of
11 assisting a campaign for election of a person to an office or for the
12 promotion of or opposition to a ballot proposition. Knowing
13 acquiescence by a person with authority to direct, control, or
14 influence the actions of the state officer or state employee using
15 public resources in violation of this section constitutes a violation
16 of this section. Facilities of an agency include, but are not limited
17 to, use of stationery, postage, machines, and equipment, use of state
18 employees of the agency during working hours, vehicles, office space,
19 publications of the agency, and clientele lists of persons served by
20 the agency.

21 (2) This section shall not apply to the following activities:

22 (a) Action taken at an open public meeting by members of an elected
23 legislative body to express a collective decision, or to actually vote
24 upon a motion, proposal, resolution, order, or ordinance, or to support
25 or oppose a ballot proposition as long as (i) required notice of the
26 meeting includes the title and number of the ballot proposition, and
27 (ii) members of the legislative body or members of the public are
28 afforded an approximately equal opportunity for the expression of an
29 opposing view;

30 (b) A statement by an elected official in support of or in
31 opposition to any ballot proposition at an open press conference or in
32 response to a specific inquiry. For the purposes of this subsection,
33 it is not a violation of this section for an elected official to
34 respond to an inquiry regarding a ballot proposition, to make
35 incidental remarks concerning a ballot proposition in an official
36 communication, or otherwise comment on a ballot proposition without an

1 actual, measurable expenditure of public funds. The ethics boards
2 shall adopt by rule a definition of measurable expenditure;

3 (c) Activities that are part of the normal and regular conduct of
4 the office or agency; (~~and~~)

5 (d) De minimis use of public facilities by statewide elected
6 officials and legislators incidental to the preparation or delivery of
7 permissible communications, including written and verbal communications
8 initiated by them of their views on ballot propositions that
9 foreseeably may affect a matter that falls within their constitutional
10 or statutory responsibilities; and

11 (e) Activities that are undertaken by a public agency in
12 implementation of sections 1 through 19 of this act, the judicial
13 election reform act.

14 (3) As to state officers and employees, this section operates to
15 the exclusion of RCW 42.17.130.

16 **Sec. 23.** RCW 42.17.128 and 1993 c 2 s 24 are each amended to read
17 as follows:

18 Except as provided in sections 1 through 19 of this act, public
19 funds, whether derived through taxes, fees, penalties, or any other
20 sources, shall not be used to finance political campaigns for state or
21 local office.

22 **Sec. 24.** RCW 42.17.130 and 2006 c 215 s 2 are each amended to read
23 as follows:

24 Except as provided in sections 1 through 19 of this act, no
25 elective official nor any employee of his (~~(for her))~~) or her office
26 nor any person appointed to or employed by any public office or agency
27 may use or authorize the use of any of the facilities of a public
28 office or agency, directly or indirectly, for the purpose of assisting
29 a campaign for election of any person to any office or for the
30 promotion of or opposition to any ballot proposition. Facilities of a
31 public office or agency include, but are not limited to, use of
32 stationery, postage, machines, and equipment, use of employees of the
33 office or agency during working hours, vehicles, office space,
34 publications of the office or agency, and clientele lists of persons
35 served by the office or agency. However, this does not apply to the
36 following activities:

1 (1) Action taken at an open public meeting by members of an elected
2 legislative body or by an elected board, council, or commission of a
3 special purpose district including, but not limited to, fire districts,
4 public hospital districts, library districts, park districts, port
5 districts, public utility districts, school districts, sewer districts,
6 and water districts, to express a collective decision, or to actually
7 vote upon a motion, proposal, resolution, order, or ordinance, or to
8 support or oppose a ballot proposition so long as (a) any required
9 notice of the meeting includes the title and number of the ballot
10 proposition, and (b) members of the legislative body, members of the
11 board, council, or commission of the special purpose district, or
12 members of the public are afforded an approximately equal opportunity
13 for the expression of an opposing view;

14 (2) A statement by an elected official in support of or in
15 opposition to any ballot proposition at an open press conference or in
16 response to a specific inquiry;

17 (3) Activities which are part of the normal and regular conduct of
18 the office or agency.

19 **Sec. 25.** RCW 42.36.040 and 1982 c 229 s 4 are each amended to read
20 as follows:

21 Prior to declaring as a candidate for public office or while
22 campaigning for public office as defined by RCW 42.17.020 (~~((5) and~~
23 ~~(25))~~) (9) and (43) no public discussion or expression of an opinion by
24 a person subsequently elected to a public office, on any pending or
25 proposed quasi-judicial actions, shall be a violation of the appearance
26 of fairness doctrine.

27 **Sec. 26.** RCW 63.29.230 and 1983 c 179 s 23 are each amended to
28 read as follows:

29 (1) (~~Except as otherwise provided by this section,~~) The
30 department shall promptly deposit in the judicial election reform act
31 fund created in section 2 of this act the first three million dollars
32 of funds received each biennium under this chapter. The department
33 shall deposit amounts in the general fund of this state all funds in
34 excess of three million dollars received under this chapter, including
35 the proceeds from the sale of abandoned property under RCW 63.29.220.
36 The department shall retain in a separate trust fund an amount not less

1 than two hundred fifty thousand dollars from which prompt payment of
2 claims duly allowed must be made by the department. Before making the
3 deposit, the department shall record the name and last known address of
4 each person appearing from the holders' reports to be entitled to the
5 property and the name and last known address of each insured person or
6 annuitant and beneficiary and with respect to each policy or contract
7 listed in the report of an insurance company its number, and the name
8 of the company. The record must be available for public inspection at
9 all reasonable business hours.

10 (2) The department of revenue may pay from the trust fund provided
11 in subsection (1) of this section any costs of administering this
12 chapter.

13 NEW SECTION. **Sec. 27.** Sections 1 through 19 of this act may be
14 known and cited as the judicial election reform act.

15 NEW SECTION. **Sec. 28.** Sections 1 through 19 of this act are each
16 added to chapter 42.17 RCW.

17 NEW SECTION. **Sec. 29.** Captions used in this act are not part of
18 the law.

19 NEW SECTION. **Sec. 30.** Except for the transfers established in RCW
20 63.29.230, if any provision of this act or its application to any
21 person or circumstance is held invalid, the remainder of the act or the
22 application of the provision to other persons or circumstances is not
23 affected.

24 NEW SECTION. **Sec. 31.** By January 1, 2013, the public disclosure
25 commission shall report to the governor and to the appropriate
26 committees of the legislature on the effectiveness of the judicial
27 election reform act, sections 1 through 19 of this act.

28 NEW SECTION. **Sec. 32.** This act expires January 1, 2014.

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